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UTSTARCOM, INC., HONG LIANG LU,
YING WU, MICHAEL SOPHIE, THOMAS TOY,
and FRANCIS BARTON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PETER RUDOLPH, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

UTSTARCOM, HONG LIANG LU, YING WU,
MICHAEL SOPHIE, THOMAS TOY, and
FRANCIS BARTON,

Defendants.

CASE NO.: 3:07-CV-04578-SI

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO
DISMISS PLAINTIFF'S SECOND
AMENDED CLASS ACTION
COMPLAINT**

Date: August 1, 2008

Time: 9:00 a.m.

Before: Hon. Susan Illston

1 Defendant UTStarcom, Inc. ("UTSI" or the "Company") and Defendants Hong Liang Lu,
2 Ying Wu, Michael Sophie, Thomas Toy, and Francis Barton (the "Individual Defendants") have
3 moved this Court to dismiss the Second Amended Class Action Complaint, pursuant to the
4 Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, *et seq.*, and Rule 12(b)(6) of
5 the Federal Rules of Civil Procedure.

6 The Court, having considered the briefs and other documents in support of and in
7 opposition to the motion, having heard the arguments of counsel, and being fully advised in this
8 matter finds as follows:

9 IT IS HEREBY ORDERED that Defendants' Motion to Dismiss Plaintiff's Second
10 Amended Class Action Complaint is GRANTED. The Amended Class Action Complaint is
11 dismissed in its entirety as to all Defendants.

12 IT IS SO ORDERED.

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14 Dated:

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18 The Honorable Susan Illston
United States District Judge
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